

REMARKS

The Official Action mailed July 28, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on February 20, 2004; and October 11, 2005.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-27 are pending in the present application, of which claims 1, 6, 9, 12, 15, 20 and 24 are independent. Claims 1-6, 9, 12, 15, 20 and 24 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 1 of the Official Action objects to claim 24 noting that the phrase "wherein the thin film integrated circuit comprises" is provided at line 3 and at line 6 and suggests deleting the second occurrence of the phrase. In response, the Applicant has amended claim 24 in accordance with the Examiner's suggestion, i.e. the second occurrence of "wherein the thin film integrated circuit comprises" at line 6 has been deleted. Reconsideration of the objection is requested.

Paragraphs 1-4 of the Official Action reject claims 1, 4 and 5 as anticipated by U.S. Patent Application Publication No. 2004/0155317 to Bhattacharyya. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 1, 6, 9, 12, 15, 20 and 24 have been amended to recite a thin film integrated circuit comprising a substrate, an adhesive over the substrate and a metal oxide over the adhesive, which is supported in the present specification, for example, by page 9, lines 10-21, and Figure 1D. The Official Action asserts that base 12 of Bhattacharyya corresponds with the claimed metal oxide (pages 2, 4, 6 and 10, Paper No. 20060721). Although Bhattacharyya appears to teach a base 12 made of aluminum oxide (paragraph [0056]), Bhattacharyya does not teach a substrate, an adhesive over the substrate, and a metal oxide over the adhesive, either explicitly or inherently.

Since Bhattacharyya does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Paragraphs 5-34 of the Official Action reject claims 2, 3 and 6-27 as obvious based on the combination of Bhattacharyya and one or more of the following: U.S. Patent No. 6,703,267 to Tanabe; U.S. Patent No. 6,885,032 to Forbes; U.S. Patent Application Publication No. 2004/0256644 to Kugler; U.S. Patent No. 6,878,643 to Krulevitch; and U.S. Patent Application Publication No. 2002/0027247 to Arao. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Bhattacharyya. Tanabe, Forbes, Kugler, Krulevitch and Arao do not cure the deficiencies in Bhattacharyya. The Official Action relies on Tanabe to allegedly teach "the metal oxide as WO₂ or WO₃" (page 3, Paper No. 20060721), on Forbes to allegedly teach an IC label, an insulating film, a semiconductor film, a gate insulating film, a gate electrode, and a thin film integrated circuit (page 4, Id.) and a thin film integrated circuit adhered to a container (page 5, Id.), on Kugler to allegedly teach an antenna in the same layer as a gate electrode (page 6, Id.), on Krulevitch to allegedly teach an antenna in the same layer as a wiring (page 10, Id.), and on Arao to allegedly teach a protective film of DLC (page 12, Id.). However, Bhattacharyya, Tanabe, Forbes, Kugler, Krulevitch and Arao, either alone or in combination, do not teach or suggest a thin film integrated circuit comprising a substrate, an adhesive over the substrate and a metal oxide over the adhesive.

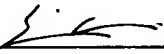
Also, regarding claims 12 and 24, the Official Action asserts that "Krulevitch et al. teaches an antenna (Figure 11 element 1104) in the same layer as the wiring (Figure 11 element 1106)" (pages 10-11, Paper No. 20060721). The Applicant respectfully disagrees. Claims 12 and 24 recite "an antenna in a same layer as the wiring." The Official Action concedes that Forbes and Bhattacharyya do not teach or suggest an antenna in a same layer as a wiring (Id.). Krulevitch appears to teach an antenna 1104 and metal traces 1106 (column 15, lines 44-54), and Figure 11 does not provide detail

as to these features. The specification of Krulevitch is silent as to whether the antenna 1104 could or should be in a same layer as the metal traces 1106. Krulevitch merely teaches that the "antenna 1104 facilitates communication with a remote receiver" (column 15, lines 53-54). The Applicant respectfully submits that one of ordinary skill in the art at the time of the present invention would not have known from the specification of Krulevitch that an antenna should be in a same layer as a wiring.

Since Bhattacharyya, Tanabe, Forbes, Kugler, Krulevitch and Arao do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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